IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO: 21700 of 2003

Between:

G. Ananth Reddy R/o Rami Reddy
5th ward Member Munnovaripampu Gram Panchayat,
Bhongir Mandal, Nalgonda District. **...PETITIONER**

AND

1. Revenue Divisional Officer, Bhongir, Nalgonda District.
2. Medaboina Hanmanth S/o Pochaiah, 2nd Ward Member,
   Bhongir, Nalgonda.
3. Pilla Kondal Reddy S/o P.Sathi Reddy, 3rd Ward Member,
   Bhongir, Nalgonda.
4. Boini Harinath S/o Vibhishan, 4th Ward Member,
   Bhongir, Nalgonda.
5. Chilkoori Manemma W/o Ram Reddy, 6th Ward Member,
   Bhongir, Nalgonda.
6. Medabeina Ilaiah S/o Danaiah, 8th Ward Member,
   Bhongir, Nalgonda.
7. Pulipati Shankaraiah S/o Ramkistaiah, Sarpanch.
8. Boini Mallamma W/o Laxminarayana, 7th Ward Member,
   Bhongir, Nalgonda.
9. Boini Sunitha S/o Meenaiah, Bhongir, Nalgonda.

(Respondents 2 to 9 are Sarpanch and Ward Members of Mannevaripampu Gram Panchayat, Bhongir Mandal, Nalgonda District.
All are residents of Mannevaripampu, (PO) Vadparthi, R/M Bhongir,
Nalgonda District.
...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the Respondent No.1 herein not to held the meeting of the Gram Panchayat on 23-10-2003 at 11.00 AM at the office of the Gram Panchayat, Munnavaripampu, for considering the motion of no confidence of the Upa-Sarpanch i.e. the writ petitioner herein declaring the notice dated 06-10-2003 issued under Rule 2 of the Rules in Form-IV issued by the Respondent No.1 herein has lapsed for not complying with the mandatory provision of Rule 3 of the Rules framed under G.P.No.2002 Panchayat Raj & Rural Development (Mandal-1).

Counsel for Petitioner: M/S .A. PULLA REDDY & ABHISHEK REDDY

Counsel for Respondent No.1: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for Respondents 2, 6&7: MR. J. RAVINDER

The Court made the following:

ORDER: -

Petitioner, who is the Upa Sarpanch of Munnevari Pampu Gram Panchayat, filed this petition questioning the notice of no confidence motion issued in Form No.IV, fixing the date of meeting as 23-10-2003, contending that since the said notice was served on him on 11-10-2003,
it is not in confirmity with Rule 3 of Rules relating to motion of no confidence in Upa-sarpanch of Gram panchayat or Vice President/President of Mandal Parishad or Vice-Chairman/Chairman of Zilla Parishad under the A.P. Panchayat Raj Act, 1994 (for short, 'the Act'), which lays down that there should be 15 days clear notice for the meeting of no confidence.

2. In **K. SUJATHA v. GOVERNMENT of ANDHRA PRADESH,**
a full bench of this Court held that the purpose and object of giving notice of consideration of no confidence motion is only to give due intimation to the members of the proposed meeting, and so unless it is shown that the short fall in the period of notice of the meeting caused some prejudice to a member due to lack of clear 15 days notice neither the meeting nor the proceedings taken thereunder would be invalid. Therefore it is clear that unless prejudice is shown the mere fact that there is a shortfall in
the 15 days notice contemplated by Rule 3 a meeting of no confidence would not become invalid.

3. Except stating that there is a shortfall of two days in service of notice, petitioner did not state anything as to how he is prejudiced by shortfall of two days of the 15 days notice contemplated by Rule 3 of the Rules. So, in view of the ratio in **K. Sujatha's case (1 supra),** the petition is liable to be dismissed.

4. The writ petition is therefore dismissed. No costs.

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C.Y. SOMAYAJULU, J

Dt.11-04-2005

Glv

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1. The Revenue Divisional Officer, Bhongir, Nalgonda District.
2. Two CCs to GP for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad.(OUT).

Two CD copies

*Form-NIC-OGS/WP{**MN**}*